

HISTORICAL PRESERVATION NOTES:

1.

If cultural materials such as artifacts, burials, concentrations of shell or charcoal be encountered during construction, al earth-moving activity within and around the immediate discovery area shall cease immediately and the find shall be protected from further damage. The Contractor shall immediately notify the Planning Department and State Historic Preservation Division at (808) 241-3690, which will assess the significance of the find and recommend appropriate mitigation measures, if necessary.
2.

If previously unidentified non-burial historic properties, or unanticipated effects are discovered, the Contractor shall follow the Hawaii Administrative Rules (HAR) Chapter 13-280 "Rules Governing General Procedures for Inadvertent Discoveries of Historic Properties During a Project Covered by the Historic Preservation Review Process".
3.

If human remains are discovered, HAR Title 13, Subtitle 13, Chapter 300 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains and the State Historic Preservation Division and the Police Department will be contacted. The appropriate process would then proceed in conformance with HAR Section 13-300, Subchapter 4, "Procedures for Proper Treatment of Burial Sites and Human Skeletal Remains".

MAMMALIAN PROTECTION NOTES:

1.

The contractor shall incorporate the following measures to avoid and minimize project-related adverse effects to the Hawaiian Hoary Bat:

a.

There shall be no disturbance, removal, or trimming of woody plants greater than 15 feet (4.6 meters) tall during the Hawaiian Hoary Bat birthing and pup rearing season (June 1 through September 15).

b.

Barbed wire shall not be used for fencing.

AVIAN PROTECTION NOTES:

1.

The Contractor shall incorporate the following measures to avoid and minimize project-related adverse effects to the Hawaiian Seabirds (Hawaiian Petrel, Newell's Shearwater and Hawaii DPS of the Band-Rumped Storm-Petrel):

a.

Before beginning any work at the project site, the Contractor shall:

i.

Collect information regarding the protection of seabirds and seabird fallout.

ii.

Submit to the Engineer for acceptance a protection of seabirds training plan including a detailed description of information and materials the Contractor intends to use in the training classes. The training plan shall be submitted to the Engineer for acceptance at least 15 days in advance of the class. If the Engineer rejects the training plan, the Contractor shall revise and promptly propose another training plan.

iii.

Disseminate information regarding the protection of seabirds and seabird fallout, by conducting training classes for all employees, subcontractors, suppliers and other personnel working on the project, including HDOT personnel, on such topics as the Save Our Shearwater (SOS) program, proper use of temporary lighting, procedures to store and report downed seabirds, and the consequences of non-compliance with the laws regarding threatened and endangered seabirds. The Engineer may request for additional topics related to seabirds to be included in the training classes. Training Classes shall be taught by authorized representatives of the U.S. Fish and Wildlife Services (USFWS), the Department of Land and Natural Resources (DLNR), the SOS program or other qualified personnel acceptable by the Engineer.
- iv.

Furnish the Engineer with evidence that the Contractor has held training classes, including the dates of the classes, identify who conducted the training, and the content and nature of the training.

b.

The Contractor shall comply to the following construction requirements:

i.

Conduct additional training classes during the project to update all employees, subcontractors, suppliers, HDOT personnel and other personnel on new and/or updated information regarding the protection of seabirds and seabird fallout.

ii.

No permanent streetlights shall be installed as part of the project.

iii.

All temporary lights used for night work (between sunset and sunrise) shall contain less than 2% wavelengths less than 500 nm, and shall be downward-facing and shielded so the bulb can only be seen from below. Temporary lights shall included but are not limited to flood lights, light towers, lights for construction equipment and other lights as determined by the Engineer. All traffic control devices, including warning lights, arrow boards, portable changeable message signs and other lighting devices as determined by the Engineer shall be shielded.

iv.

Nighttime construction and the use of all temporary lights shall cease during the peak seabird fledgling period (September 15 through December 15).

V.

Furnish and maintain a small (approximately 10"x12"x19"), portable cat kennel on site to temporarily hold a downed seabird. The Contractor shall obtain acceptance of the cat kennel from the Engineer prior to use.

vi.

If a downed dead seabird is found, the Contractor shall contact the USFWS (Ms. Megan Laut at 808-792-9400) within 24 hours.

vii.

If the downed seabird is alive, the Contractor shall:

I.

Pick up the seabird from behind as soon as possible using a clean towel, t-shirt or cloth by gently wrapping it around its back and wings.

II.

Place the seabird in the cat kennel and immediately contact the SOS Program Coordinator at (808) 635-5117 for further instructions on where to deliver the seabird.

III.

Deliver the seabird to the location determined by the coordinator of the SOS program and as designated by the Engineer.

IV.

Keep the seabird in a cool, quiet location and out of direct sunlight with adequate ventilation.

V.

The Contractor and any personnel on-site shall not feed, provide water, handle or release the seabird.

The Contractor shall maintain records of all downed seabirds for the duration of the project. The records shall include the date, time, location and condition (dead or alive) the seabird was found and delivered. Submit a copy of the records to the Engineer after each and every downed seabird.

2.

The Contractor shall incorporate the following measures to avoid and minimize project-related adverse effects to the Hawaiian Waterbirds (Hawaiian Stilt, Hawaiian Coot, Hawaiian Common Gallinule, and the Hawaiian Duck).

a.

In areas where known presence of Hawaiian waterbirds occurs, post, implement and enforce reduced speed limits, and inform project personnel and Contractors of the presence of these endangered species on-site.

b.

Because water resources occur in the project site, employ USFWS Best Management Practices for Work in Aquatic Environments.

c.

Survey for Hawaiian waterbirds and nests within the vicinity of the project area prior to initiation of project work using survey biologists familiar with the species' biology. Survey biologists should be trained and capable of identifying adults and juveniles of each species, nesting behaviors, and nests.

i.

Surveys for species and nests should be repeated when a delay of work occurs that is three days or more (during which the birds may attempt to nest).

ii.

If a nest or active brood is found, contact USFWS within 24 hours for further guidance.

iii.

Establish and maintain a 100-ft buffer around all active nests and/or broods until the chicks/ducklings have fledged. Do not conduct potentially disruptive activities or habitat alteration within this buffer.

iv.

A biological monitor that is familiar with the species' biology shall be present on the project site during all construction or earth moving activities until the chicks/ducklings fledge to ensure that Hawaiian waterbirds and nests are not adversely affected.

d.

A biological monitor is required during Hawaiian Stilt nesting season from February 15 through August 31.

i.

A biological monitor that is familiar with the species' biology and approved by the Federal Highways Administration will conduct Hawaiian Stilt nest surveys where appropriate habitat occurs within the proposed maintenance site prior to cleaning culverts and drainage structures.

ii.

Surveys will take place within three days of project initiation and after any subsequent delay of work of three or more days (during which the birds may attempt to nest).

3.

The Contractor shall incorporate the following measures to avoid and minimize project-related adverse effects to the Hawaiian Goose or Nene.

a.

Nene in or near the project area shall not be approached, fed, or disturbed in any way.

b.

If nene are observed loafing, foraging, or otherwise present within the project area during the breeding season (September 1 through April 30), a trained biologist familiar with nene nesting behavior will survey the area in and around the project area for nests prior to work each day. Surveys will be repeated after any subsequent delay of work of three or more days (during which the birds may attempt to nest).

c.

If a nest is identified within a radius of 150 feet of the project area, or a previously undiscovered nest is found within 150-foot radius after work begins, all work shall cease and the USFWS will be contacted for further guidance.

d.

Reduced speed limits shall be posted and implemented in areas where nene are known to be present, and project personnel and Contractors will be informed of the presence of endangered species on-site.

e.

There shall be no feeding of birds or dogs on the project site.

BIOLOGICAL RESOURCE PROTECTION NOTES:

1.

The Contractor shall take measures to reduce the spread of invasive species (e.g. Rapid Ohia Death):

a.

Minimize the movement of plant or soil material between work sites.

b.

All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species. Gear that may contain soil, such as work boots and vehicles, should be thoroughly cleaned with water and sprayed with 70% alcohol solution to prevent the spread of Rapid Ohia Death and other harmful fungal pathogens.

2.

The information and guidance at <https://cms.ctahr.hawaii.edu/rod> shall be reviewed and followed if ohia trees are present and will be removed.

SURVEY PLOTTED BY	DATE
DRAWN BY	
DESIGNED BY	
QUANTITIES BY	
CHECKED BY	
ORIGINAL PLAN	
NOTE BOOK	
NO.	

FED. ROAD DIST. NO.	STATE	PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	5600-02-23M	2024	5	21

SCOTT A. KUNWICK

LICENSED PROFESSIONAL ENGINEER

No. 7257-C

HAWAII, U.S.A.

LICENSE EXPIRES 4/30/24

Scott A. Kunwick

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION LICENSE EXPIRES 4/30/24

STATE OF HAWAII

DEPARTMENT OF TRANSPORTATION

HIGHWAYS DIVISION

HISTORIC PRESERVATION

ENVIRONMENTAL PROTECTION NOTES

TEMPORARY KAPAA BYPASS

ROAD REPAIR

Vicinity of Olohena Road

Project No. 5600-02-23M

Scale: None

Date: December, 2023

SHEET No. N-4 OF 4 SHEETS

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